57

UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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7590 01/05/2006	EXAMINER
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ART UNIT	PAPER NUMBER
2142	

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Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
	09/660,991	DECASPER ET AL.
Office Action Summary	Examiner	Art Unit
	Hieu c. Le	2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _27 July 2005_.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1- 23_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-23_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

U.S. Patent and Trademark Office

PTOL-326 (Rev. 7-05)   Office Action Summary   Part of Paper No./Mail Date 20051118

1.   The amendment filed 7/27/05 has been entered and made record.

2.   Applicant's argument filed 7/27/05 have been fully considered but they not

persuasive with regard to claim 1 for following reasons:

As to claim 1, Applicant alleges that claim 1 recites " Zhao does not disclose [,]",

(p. 7, lines 11-17). The Examiner disagrees. Firstly, The Examiner can not find "peer to

peer" caching the transfer of downloaded content objects" anywhere in the claim

language. Secondly, Zhao discloses a system for distributing content from a source

server to users (second clients) via plurality of local content servers (first clients). The

local content server (first client) stores the content associated with it's users (second

clients) and when the content updates occur in the source server the data is replicated

and copied to local server (cached) based on the profile information of the local server

(i.e. peer to peer caching) (fig. 1, col. 7, lines 5-14).

Applicant alleges "furthermore, the present invention [,]" (page. 7, line 18-page,

line10).The Examiner disagrees. Firstly, Zhao clearly discloses when any collection or

content file update occurs in the source server, the data replication manager 46 start a

replication of data and controls the process of copying data from the source to the local

server (i.e. the data replication manager is a controller) (col. 7, lines 5-14). The data

replication manager in the local server (first client) accepts data replication requests

(indications that tell that new updated content is available) from the data replication

manager 46 (controller) in the source server (col. 8, lines 7-14) (i.e.. the local server

(first client) receives from the controller replication requests (indication that tells that

new updated content is available). Zhao discloses that a collection table containing

collection of files which can be distributed to local servers (first clients) consist of

collection identifier, title, physical location (indication of where the content is) (col. 6,

lines 34-38). However, Zhao does not specifically disclose that the collection table

(indication of location of the content object) received in the local server (first client) is

from the controller. Easty discloses a content distribution system where a central server

(controller) refreshes (indication a new content available in the central server (location)

content currently stored in end point server (first client) (col. 5, lines 30-45).

Claims Objection

3.   Claim 22 is objected to under CFR 1.75 . Claim 22 is an apparatus claim

depends from a method of claim.

Claim Rejections - 35 U.S.C. § 102

4.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless -
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States
> before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States
> before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351 (a)
> shall have the effects for purposes of this subsection of an application filed in the United States only if the international application
> designated the United States and was published under Article 21(2) of such treaty in the English language.

5.   Claims 1-7 ,11,17, 19-22,23 are rejected under 35 U.S.C. 102(e) as anticipated

by Zhao [US. Pat. No. 6,081,840].

As to claim 1, Zhao discloses a method comprising:

a first client receiving an indication from a controller that at least one new content

object corresponding to content specified in a profile associated with the first client is to

be downloaded [the local content manager at the local content server (first client)

accepts data replication requests (indication that new content exists) (from the data

replication manager (controller) in the source server (col. 8, lines 7-14) when any

collection or content file update occurs in the source server, the data replication

manager in the source server start a data replication and controls the data copied from

the source server to the local server (first client) based on profile information of the local

server (first client) (col. 7, lines 5-14)].

the first client receiving an indication of a location of the at least one content

object from the controller[the collection table must come either directly or indirectly from

the system of Fig. 2 (col. 8, lines 1-14)]; and

intercepting a request from a second client to a web server on a wide area

network (WAN) for the content object and satisfying the request of the second client

with the downloaded content object from the first client without sending the request to

the web server over the WAN [a user (second client) sends requests to the local server

(first client), (i.e., the request is intercepted at the local server) for obtaining content

from the source server (server) the source server is on any network system such as

internet or any other dedicated network (WAN) and the local server (first client) satisfies

the requests from content previously obtained (downloaded from the source server (Fig.

1, items 22, 14, 10, (col. 4, lines 1-28, lines 42-59)] wherein the first and second clients

are peer devices of a local network [Fig. 1, the user 22 (second client), local server 14

(first client) are computers on a LAN network 18 (peer devices of a local network) (col.

4, lines 29-25)];

As to claim 2, Zhao further discloses wherein the location comprises a peer

client (Fig. 1)]

As to claim 3, Zhao further discloses further comprising the first client sending the profile to the controller (col. 7, lines 5-11).

As to claim 4, Zhao further discloses further comprising building the profile (col. 3, lines 1-38).

As to claim 5, Zhao further discloses wherein building a profile comprises tracking a web site access pattern of an individual (col. 3, lines 9-11, col. 8, lines 57-65, col. 21-23).

As to claim 6, Zhao further discloses wherein tracking the access pattern comprises individual tracking web sites a user accesses and the time, the user accesses the web sites individual (col. 3, lines 9-15).

As to claim 7, Zhao further discloses wherein tracking the access pattern comprises tracking the frequency of access by the user to the web sites [the number of times data have been used (frequency of access (col. 3, lines 9-11, col. 4, line 44-53)].

As to claim 11, Zhao further discloses further comprising the controller maintaining a list of web sites and their embedded objects (Fig 4).

Claim 17 is a broad version of claim 1 and is rejected for the same reasons indicated in claim 1.

Claim 19 is an apparatus analogous to the method of claim 1, arguments analogous to those applied to claim 1 are applied to claim 19 is apparatus.

Claim 20 is an apparatus analogous to the method of claim 2, arguments analogous to those applied to claim 2 are applied to claim 20 is apparatus.

Claim 21 is an apparatus analogous to the method of claim 3, arguments

analogous to those applied to claim 3 are applied to claim 21 is apparatus.

Claim 22 is an apparatus analogous to the method of claim 4, arguments

analogous to those applied to claim 4 are applied to claim 22 is apparatus.

As to claim 23, refer to claim 19 rejection.

Claim Rejections - 35 USC § 103

6.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102
> of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject
> matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art
> to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was
> made.

7.   Claims 8-9, 10, 12, 14, 16,18 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Zhao [US. Pat. No. 6,081,840] as applied to claims 1, &17 above and

further in view of Easty et al. [US. Pat. No. 6,490,587].

As to claim 8, Zhao does not close wherein building a profile comprises using a

network operation center NOC to modify the profile.

Easty discloses a system for distributing content from a central server to plurality

of endpoint servers (first client) for further distribution to end users (second clients). The

central server periodically refreshes (indicating a new content in the central server

location) the content currently stored in the endpoint server from the central server

based on user's profile information (col. 5, lines 30-45). Building a profile using network

operation center (NOC) to modify the profile (col. 4, lines 37-63).

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to use Easty's teaching to modify the method of Zhao by building

a profile comprises using a network operation center NOC to modify the profile in

order to update the stored content based on the content specified in a user's profile and

selectively provide the user by the new content that meets his/her preferences.

As to claim 9, Zhao further discloses wherein using the NOC comprises adding

or removing URLs of web sites the user accesses and the time the user accesses the

web sites (col. 6, lines 33-39).

As to claim 10, Zhao does not disclose wherein building a profile comprises a

user changing a list of URLs of web sites the user accesses and the time the user

accesses the web sites to the profile.

Easty discloses a system for distributing content from a central server to plurality

of endpoint servers (first client) for further distribution to end users (second clients).The

central server periodically refreshes (indicating a new content in the central server

location) the content currently stored in the endpoint server from the central server

based on user's profile information (col. 5, lines 30-45). Building a profile where the user

changing a list of URLs of the web sites the user accesses and the time the user

accesses the web sites to the profile (col. 4, lines 18-36).

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to use Easty's teaching to modify the method of Zhao by building a

profile comprises a user changing a list of URLs of web sites the user accesses and the

time the user accesses the web sites to the profile in order to update the stored content

based on the content specified in a user's profile and selectively provide the user by the

new content that meets his/her preferences.

As to claim 12, Zhao does not disclose wherein the list is compiled by updating

information from content providers.

Easty discloses a system for distributing content from a central server to plurality

of endpoint servers (first client) for further distribution to end users (second clients).The

central server periodically refreshes (indicating a new content in the central server

location) the content currently stored in the endpoint server from the central server

based on user's profile information (col. 5, lines 30-45). Wherein the list is compiled by

updating information from content providers (col. 4, lines 58-65).

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to use Easty's teaching to modify the method of Zhao by compiling

the list by updating information from content providers in order to update the stored

content based on the content specified in a user's profile and selectively provide the

user by the new content that meets his/her preferences.

As to claim 14, Zhao does not disclose wherein checking for new content objects

comprises subscribing with the controller to get notification automatically of when new

content objects are available.

Easty discloses a system for distributing content from a central server to plurality

of endpoint servers (first client) for further distribution to end users (second clients).The

central server periodically refreshes (indicating a new content in the central server

location) the content currently stored in the endpoint server from the central server

based on user's profile information (col. 5, lines 30-45). Wherein checking for new content objects comprises subscribing with the controller to get notification automatically of when new content objects are available (col. 4, lines 25-36).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Easty's teaching to modify the method of Zhao by checking for new content objects comprises subscribing with the controller to get notification automatically of when new content objects are available in order to update the stored content based on the content specified in a user's profile and selectively provide the user by the new content that meets his/her preferences.

As to claim 16, Zhao does discloses further comprising the controller sending a download trigger to the user.

Easty discloses a system for distributing content from a central server to plurality of endpoint servers (first client) for further distribution to end users (second clients).The central server periodically refreshes (indicating a new content in the central server location) the content currently stored in the endpoint server from the central server based on user's profile information (col. 5, lines 30-45). The controller sending a download trigger to the user (col. 5, lines 30-40).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Easty's teaching to modify the method of Zhao by sending a download trigger to the user in order to update the stored content based on the content specified in a user's profile and selectively provide the user by the new content that meets his/her preferences.

As to claim 18, Zhao does not disclose further comprising sending the profile to a controller that generates the location information.

Easty discloses a system for distributing content from a central server to plurality of endpoint servers (first client) for further distribution to end users (second clients).The central server periodically refreshes (indicating a new content in the central server location) the content currently stored in the endpoint server from the central server based on user's profile information (col. 5, lines 30-45). Sending the profile to a controller that generates the location information (col. 4, lines 19-29).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Easty's teaching to modify the method of Zhao by sending the profile to a controller that generates the location information in order to update the stored content based on the content specified in a user's profile and selectively provide the user by the new content that meets his/her preferences.

8.   Claims 13,15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zhao [US. Pat. No. 6,081,840] as applied to claims 1 and 17 above and further in view of Reisman et al. [US. Pat. No. 6,658,464].

As to claim 13, neither Zhao discloses wherein the list is compiled by: crawling web sites; and analyzing results of the crawling.

Reismain discloses a method for receiving a first data object from one of multiple data sources and automatically prefetching a plurality of additional data objects referenced by the first data object from respective data sources identified by information embedded in the first data object (col. 5, lines 15-24). The search tool crawls across

the Web, like a Web spider to locate and retrieve desired or suitable content based on defined criteria in HTML format (col. 51, lines 1-55).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Reismain's teaching to modify the combined method of Zhao by crawling web sites and analyzing results of the crawling in order to organize a search of the web sites involving visits to those web sites, locate and retrieve suitable content, based on defined criteria, in HTML format.

As to claim 15, Reimain further discloses wherein checking for new content objects comprises a user crawling web sites to search for new objects (col. 8, lines 1-65 & col. 51, lines 56-68).

9.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hieu Le whose telephone number is (571) 272-3897. The examiner can normally be reached on Monday to Friday from 7:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell, can be reached on (571) 272-3868.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 273-8300.

Hieu Le

ANDREW CALDWELL
SUPERVISORY PATENT EXAMINER